

**REMARKS**

Claims 1, 3-5 and 7-17 are currently pending in this application. Claims 2 and 6 have been cancelled and claims 1, 7, 13, 14, 16 and 17 have been amended. Claim 18 has been added. No new subject matter is believed to have been added by this Amendment.

In paragraph 3 of the Office Action, the Examiner rejects claims 1-7 and 13-16 under 35 U.S.C. § 103(a) as being obvious from the teaching of United States Patent No. 5,894,666 to Hrusch (hereinafter the Hrusch patent) in view of the teaching of United States Patent No. 5,926,958 to Ramun (hereinafter the Ramun '958 patent).

The subject invention is directed to a tip and an insert used with the tip for demolition and construction equipment. The insert has a projection extending from one wall which engages a socket extending into an inner wall of the base, as illustrated in Figures 6 and 7 of the subject application. In particular, with respect to Figure 6, the tip 100 is comprised of a discrete base 114 having a recess 132 with a recess inner wall 136 having a socket 166 extending therein. An insert 150 includes a projection 168 extending from an insert wall 158 wherein the projection 168 fits within the socket 166 to support the insert 150 within the recess 132. A cutting edge 160 is defined at the lowermost portion 162 of the bottom side 154 of the insert 150 and is generally aligned with a cutting edge 128 of the base 114.

The Hrusch patent, on the other hand, is directed to cutting and piercing tips for a metal cutting shear wherein, as discussed in column 4, lines 47-49, and as illustrated in Figures 6 and 7, blade 64 includes planar parallel opposite sides 64a, 64b and a pair of threaded openings 78 extending therethrough in alignment with openings 72, 76 of a jaw 20. As discussed in column 5, lines 31-37 of the Hrusch patent, the cutting and piercing tip blades 62, 64 are adapted to be reversed with respect to the side of the jaw 20 on which they are mounted and, when so reversed, have reoriented positions of mounting relative to the jaw 20. By doing so, as indicated in column 5, lines 52-61, the piercing and cutting blades 62, 64 provide four different cutting edges 86 and two different piercing edges 84 whereby, by reversing and reorienting the positions of mounting thereof on the jaw 20, four different cutting edges and two different piercing edges can be presented for use before replacement of the blade is necessary. As a result, each cutting

blade has multiple cutting edges. As stated in column 6, lines 21-26, when the blade has an equilateral triangle configuration, such as illustrated by the blade 88 in Figure 10, there are six cutting edges 86 and three piercing edges 84.

As further stated in column 6, lines 54-65, even when different geometric shapes are utilized each of these geometric shapes includes two opposing planar sides such that, for example with a parallelogram or square, there are four available cutting edges on each side and four piercing edges therebetween, one in each of the corners of the blade. Clearly, the blade in accordance with the Hrusch patent requires two opposing planar surfaces to enable a user to index the blade to utilize each cutting edge on a blade.

On the other hand, the introduction of a projection extending from the insert wall which is mateable within a socket extending into the inner wall of the base is neither taught in nor suggested by the Hrusch patent.

The Examiner indicates that the Ramun '958 patent teaches this feature. The Ramun '958 patent, however, is directed to a metal cutting shear and piercing tip therefore wherein, as illustrated in Figure 2 for example, a base 34 has a socket and a cutting insert 40 has a projection that conforms to the socket. This is further exemplified in Figures 5-7 wherein the cutting insert 40 includes a post 68 which is received within a corresponding socket in the base 34.

The Applicant does not believe that it is appropriate to apply the teaching of the Ramun '958 patent to the teaching of the Hrusch patent to arrive at the Applicant's invention and, furthermore, even if such a combination could be made, the end result would not be the invention as found in the Applicant's claims. In particular, as previously discussed, in accordance with the Hrusch patent, a typical blade 64 has planar parallel opposite sides 64a, 64b. With these sides 64a, 64b, the blade may be indexable within the jaw 20 by rotating the blade 64 into a different position so that the same side of the blade still contacts the jaw. On the other hand, the blade may be flipped so that the opposing side now contacts the jaw and, in this position, the insert may again be indexed into different positions. As stated in column 5, lines

58-61 of the Hrusch patent, the life of the individual blade member is optimized and manufacturing and maintenance costs are advantageously reduced.

If a projection were added to one of the parallel planer opposite sides of these blades as suggested by the Ramun '958 patent, then the versatility of the blades in the Hrusch patent would be drastically compromised. Essentially, only 50% of the useful cutting edges would then be available. Therefore, even though the Ramun '958 patent teaches the use of a post 68 on an insert 40, there is neither a teaching nor a suggestion in the Hrusch patent of adding such a post and there is actually a teaching away from adding such a post since doing so would compromise the versatility of these blades.

Furthermore, and directing attention to Figure 5 of the Ramun '958 patent, the post 68 is essentially perpendicular to the cutting edge 54 and, as illustrated in Figure 8 of the Ramun '958 patent, the piercing tip 100 extends across the entire width of the shear. Therefore, unlike the claims of the subject application, the cutting edge of the insert does not act in conjunction with the cutting edge of the discrete base to provide a cutting edge across the face of the shear. As a result, if any part of the piercing tip becomes excessively worn or damaged, the entire piercing tip must be replaced and the entire cutting edge across the width of the shear must be replaced. The claims of the subject application on the other hand, as demonstrated in claims 1 and 16, require a base with a central portion having a cutting edge with the insert adjacent to the base such that, when the insert is damaged only a portion of the cutting edge, that provided by the insert, must be replaced.

Claim 13 is directed to an insert for use with a tip and includes a projection extending along an axis from one wall and a cutting edge generally parallel to that axis. This feature is neither taught in nor suggested by the prior art of record.

Therefore, for these reasons, independent claims 1, 13 and 16 which have been amended to highlight the projection extending from the insert and the socket extending within the base, are believed to be patentably distinct over the prior art of record. Furthermore, by way of their dependence upon what are believed to be patentably distinct independent claims 1 and

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13, dependent claims 2-7, 14 and 15 are themselves believed to be patentably distinct over the prior art of record.

In paragraph 4 the Examiner rejects claims 8-12 and 17 under 35 U.S.C. § 103(a) as being obvious from the teaching of the Hrusch patent as applied to claims 1-7 and 13-16 and further in view of the teaching of United States Patent No. 5,940,971 to Ramun (hereinafter referred to as the Ramun '971 patent). By way of their dependence upon what is believed to be patentably distinct independent claims 1 and 13, dependent claims 8-12 are themselves believed to be patentably distinct over the prior art of record. Method claim 17 has been amended so that the preamble more clearly defines the structural elements necessary to implement the method claimed and now includes details of the projection from the insert and socket within the base, which limitations are not taught in or suggested by the prior art of record. Therefore, by way of the amendments made to claim 17, the claim is now believed to be patentably distinct over the prior art of record.

New claim 18 has been added. Claim 18 is similar to claim 1 but specifies a recess with an associated insert on each side of the base, as illustrated in Figure 6. Claim 18 is believed to be patentably distinct over the prior art of record at least for the same reasons presented with respect to claim 1.

Reconsideration of claims 1, 3-5, 7-17 and allowance of pending claims 1, 3-5 and 8-18 are respectfully requested.

Respectfully submitted,  
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